643 so that he may keep separate the interests of his house and those of the country.

Nomination of the Fama. The title of Fama remains in the family around which the canton has grown. Power passes from older to younger brother until a generation dies out, then goes to the oldest brother in the next generation, for, as a general rule, the living male nearest to the original ancestor should reign. However, the history of Ségou shows us how certain Fama have tried to establish direct succession from themselves to their eldest son. But the
643 accession of the Fama is submitted to the ratification of a council
645 of notables which includes the following persons.

a. The young chiefs, male descendants in the first degree of the Fama; they are directed by the eldest among them, with the second eldest being his syere or heir presumptive.

b. The old masters who are the Fama's brothers.

c. Their sons and all circumcised fathers of families.

643 Power of the Fama. The power of the Fama is founded on custom and religion. He is the earthly representative of all the ancestors; he is the radiating center which gives life to all the society; he is the Word of his people. He decides the crops, regulates commerce, concludes alliances, declares wars, renders justice, imposes taxes. He is the guardian of custom and the legislator of new laws, the organizer of the time and space he governs. His word is very powerful and dangerous; his decisions are whispered in the
[326] ear of a blacksmith, who repeats them aloud to the assembly. His very glance makes his subjects tremble, and they approach him grovelling, forehead in the dust. No quarrel may break out in his presence, no violence committed; his power over men and goods is
[645 absolute. Nevertheless, all his decisions are taken after consultation
646] with the notables and with the assembly of delegates from each village. If one of the members of the assembly disagrees with the Fama about a point of law, he gets up and leaves the meeting without saying anything, marking his disapprobation in this manner. When a law is
[695] passed by all the assembly, each member swears an oath, on the tomb of an ancestor or the altar of the komo [one of the mens' societies], in behalf of himself and his descendants.

692 In matters of justice, the Bambara frequently continue to consult their old tribal judges. It must be noted, however, that in taking [177 away the judicial competence of the old chiefs, the French ad- 622] ministration has contributed to diminishing, and almost to completely destroying, their power.

The Bambara had a judicial organization quite as precise and 671 regulated as their religious organization, although there was no codified law, such as the Koran or the Hebrew tables of law. Justice was rendered according to rules which each community passed on from generation to generation. These rules are not of divine origin, but they [69] are sacred nevertheless, for custom is the legacy of [643 the ancestors. The Fama and his council of notables could promul- 645] gate new laws, but, before deciding on a new rule, they consult the Komo and the Nyama [an altar]. Then, in the presence of a priest, each one swears on the altar to obey the law which becomes sacred. Moreover, the customary rules cannot be separated from the moral code and the religion to which they are linked. They are not uni- [184] form; each canton has its own, and often each village, and within each of these there are observances peculiar to certain families or to certain castes. Nevertheless, the sentiment of fair play is very strong [181] among the Blacks, but they do not admit the equality of men, who are naturally different one from another according to their aptitudes, means, and condition.

Custom regulates all relations between individuals and between individuals and the collectivity.

692 Two sorts of native tribunals existed in the Bambara country: a tribunal of conciliation, presided over by the village chief, who assembled a council of notables; and a high tribunal presided over by the Fama, to whom were submitted the matters which the first tribunal had been unable to settle. In addition, the Fama could call before his tribunal the civil or penal matters which seemed to him to be of importance to the public order.

695 Justice was without charge and rendered day and night by the 643 Fama as one of his essential functions, for the judge is the one who repairs the disorders that shake society. The hearings were solemnly conducted and took place under the silk-cotton tree (Ceiba pentandra)